

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

RUSSELL LOUIS HAMNER

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CASE NO. 4:07cr42.26

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge for disposition (*see* Dkt 1599). On October 9, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that this court **DENY** Defendant's Motion to Withdraw Plea of Guilty (Dkt. 1596).

Having received the report of the United States Magistrate Judge, and no objections thereto having been filed in accordance with the time period agreed to by the parties, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion to Withdraw Plea of Guilty (Dkt. 1596) is **DENIED**.

IT IS SO ORDERED.

SIGNED this 15th day of Oct., 2008.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE